

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In the Matter of

Richard Navetta

Debtor(s).

In Bankruptcy

Chapter 7

Case No. 08-68896-TJT

Judge Thomas J. Tucker

**ORDER REQUIRING SERVICE OF A PROPER 20-DAY NOTICE OF THE
TRUSTEE'S FINAL REPORT ON ALL CREDITORS**

This case is before the Court on the Chapter 7 Trustee's request for allowance of professional fees and reimbursement of expenses to the Trustee, which request is contained in the Trustee's final report, filed August 13, 2009 (Docket # 30). Also before the Court is the fee application filed by the Trustee's counsel on July 9, 2009 (Docket # 28). On October 13, 2009, the Trustee and Trustee's counsel submitted proposed orders granting the fee requests.

The Court concludes that it cannot grant the fee requests yet, due to the following problems, which must be corrected. First, the 20-day notice of the Trustee's final report (Docket ## 31, 32), states (on page 4) that "[a]ny person wishing to object to any fee application or the Final Report, must file a written objection within 20 days of the date of this notice, . . ."

Apparently this language was used as part of a United States Trustee form that was adopted in April 2009. The foregoing language is improper. Instead of saying that the objection deadline is "within 20 days of the date of this notice," it should say "within 20 days after service of this notice." With respect to fee applications exceeding \$1,000.00, whether by attorneys, accountants, trustees, or any other professional, the combination of Fed.R.Bankr.P. 2002(a)(6) and L.B.R. 9014-1(a)(second sentence) and 9014-1(b)(2) requires a notice/objection period that is 20 days **after service** of the notice. So the 20-day notice of the Trustee's final report must

state that objections are due no later than “20 days after service of this notice.”

Second, and compounding the first problem described above, the defective 20-day notice is *dated* July 13, 2009; 20 days from that date was Monday, August 3, 2009. That date, then, was the stated deadline for any party to object to the final report or the Trustee’s requested fees. But the 20-day notice was not even filed (by the United States Trustee) until August 13, 2009 (Docket # 31) and was not served (by mail) by the Bankruptcy Noticing Center (“BNC”) until August 15, 2009, *after* the stated objection deadline of August 3, 2009. (See Docket # 32, last page).

Before the Court can consider granting the pending fee requests, these problems must be corrected, by the filing and service, on all creditors, of a proper 20-day notice of the Trustee’s final report. Accordingly,

IT IS ORDERED that no later than October 21, 2009, the Chapter 7 Trustee (or if the United States Trustee wishes to do it, the United States Trustee,) must file and cause to be served a proper 20-day notice of the Trustee’s Final Report on all creditors.

Signed on October 14, 2009

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge